



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
MONTEREY, CALIFORNIA 93944

12 NOV 2002

ATZP-CDR

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Privately Owned Weapons Policy

1. PURPOSE. To set policy for storage and registration of privately owned weapons for all DOD-affiliated personnel and their family members and guests on the confines of the Presidio of Monterey (POM) and the Ord Military Community (OMC). This policy is implemented to ensure that safety, good order, and discipline of the installation will not be compromised through the improper storage or use of privately owned weapons.

2. GENERAL INSTRUCTIONS

a. Posting. A copy of this policy will be prominently posted on all unit bulletin boards at the Defense Language Institute Foreign Language Center (DLIFLC) and POM.

b. Applicability. This policy applies to the registration, storage, and use of privately owned weapons on the POM/OMC, to include on-post military family housing.

c. Prohibitions. This policy prohibits the storage of PWs or ammunition in all troop billets, BEQ/BOQ, guesthouses, work areas, or in vehicles.

3. SANCTIONS

a. This policy is punitive. Violations of the provisions of this policy may subject offenders to nonjudicial or judicial punishment under the Uniform Code of Military Justice (UCMJ) or to other appropriate administrative action or charged criminally with violations of applicable California laws

b. Violations of the provisions of this policy by family members or by others present on the installation can result in administrative sanctions, e.g., withdrawal of privileges, eviction of the sponsor from government housing, and/or bar from the installation, and/or criminal sanctions available under Title 18, United States Code, or other applicable federal statutes.

4. RESPONSIBILITY.

a. Unit Commanders' Responsibilities:

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(1) Commanders will ensure that information regarding California's handgun importation registration requirements and assault rifle registration requirements are included in the unit welcome packet prior to a soldier's arrival at the DLIFLC & POM.

(2) Commanders will direct all arriving unit personnel residing on the POM/OMC, who own or possess firearms, to register their weapons with the Presidio of Monterey Police Department (POM PD), 4468 Gigling Road, Ord Military Community, CA 93955.

(3) Commanders shall also brief all unit members regarding the private firearm registration procedures detailed in this policy.

(4) Commanders shall incorporate private firearm and other weapons possession and use requirements in their training or briefing schedules.

(5) Commanders shall ensure that a copy of this policy is posted on unit bulletin boards.

(6) Authorizing unit PW storage is at the discretion of the Commander. If authorized, service regulations governing the control and storage of privately owned firearms in unit arms room shall be implemented by the responsible service organization.

b. Chief, Military Personnel Division. The Chief, Military Personnel Division, will coordinate with PERSCOM to ensure that information regarding California's handgun importation registration requirements and assault rifle registration requirements are included as additional instructions in the orders of all arriving personnel.

c. Individual Responsibility:

(1) Military personnel residing in troop billets, BEQ/BOQ, or guest housing will secure all firearms and other weapons in a unit arms room immediately upon reporting to their unit.

(2) Military personnel and their family members residing in family quarters on POM or OMC are required to register all privately owned firearms with the POM PD not later than fourteen (14) calendar days after the weapon is brought onto POM/OMC.

(3) Military personnel shall familiarize themselves with the firearm requirements of this policy, and the requirements of federal firearm statutes and California State law, as needed. California firearm laws can be accessed via the Internet at: <http://caag.ca.state.us/firearms/index.html>

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c. Absent aggravating circumstances, violations of the 14 day procedure will not usually result in adverse action taken against the transgressing individual, if the individual voluntarily registered his or her firearm(s); as the intent of this policy is to encourage registration of all privately owned weapons to better ensure the safety and well being of the POM/OMC.

d. Individuals registering private firearms will be required to present a completed POM Form 4-562-1, signed by the unit commander, in triplicate, at the POM PD with their firearm. The POM PD will verify the information by viewing the firearm. The unit armorer may present registration documentation for the owner.

e. Individuals under the age of 21 may not register any pistol, revolver, or firearm capable of being concealed upon the person. Individuals under the age of 18 may not register any firearms.

f. Upon registration, the POM PD shall maintain a copy of POM Form 4-562-1 verifying that the weapon has been registered.

g. If an individual presents an assault weapon or other restricted weapon prohibited in California under Penal Code Section 12276 (i.e., AK-47, M16A2, cane guns, nun chucks, etc., a full list of prohibited or restricted weapons is located at the California Firearm Law website), without proof that the individual has secured the required permits to import and possess an assault weapon or other restricted weapon in California, the weapon will not be registered but will be held by the POM PD for disposal. If the weapon is prohibited by Penal Code Section 12276.1 (i.e. has characteristic(s) such as a high capacity magazine, flash suppressor, pistol grip stalk), the individual will be given the opportunity to either permanently remove the characteristic(s) that make the weapon illegal or turn the weapon over to the POM PD for disposal. Alternatively, the individual can remove the weapon from the state of California.

h. If the private firearm will be stored in a unit arms room, the registrant will present his copy of POM Form 4-562-1 to the armorer verifying that the weapon has been registered. Service regulations governing the control and storage of weapons in a unit arms room shall be implemented by the responsible service organization.

i. The POM PD shall be notified by the owner of any change in the disposition of a firearm, i.e., purchase, sale, PCS, ETS or loss.

j. Other types of privately owned weapons, see paragraph 5.b. above, may be stored in the unit arms room. Storage in the arms room will be at the discretion of the commander. These items need not be registered with the POM PD.

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(4) Military personnel residing on and off post will register their private firearms in accordance with applicable federal and state laws and city and county ordinances. Military personnel residing off post are not required to register their private firearms with the POM PD.

(a) Military personnel importing handguns into California shall ensure that they submit a Report of Handgun Ownership form with the appropriate fee to the California Department of Justice within 60 days of arrival in the state.

(b) Military personnel in lawful possession of an “assault weapon”, as defined by California law, will register the assault weapon with the Department of Justice and obtain the appropriate permits before importing the weapon into California.

(5) The registered owner of a private firearm shall notify POM PD when the weapon is sold, lost, stolen, or when the individual will no longer be assigned to the POM area. POM PD will accept privately owned weapons for disposal.

5. DEFINITIONS

a. A firearm is commonly referred to as a handgun or rifle or similar type weapon from which a shot/bullet or projectile is discharged by gunpowder, by force of an explosion or other form of combustion.

b. For the purposes of this policy, “other types of privately owned weapons” refers to items such as pellet and BB guns, bows and arrows, swords, hatchets or knives with a blade of three inches or longer. These items will not be stored in troop billets, but may be secured in the unit arms room when authorized by the unit commander. These types of private weapons are not required to be registered at the POM PD.

6. REGISTRATION PROCEDURES.

a. Individuals residing in troop billets, BEQ/BOQ, or guest housing will secure all firearms and other weapons in a unit arms room immediately upon reporting in to their unit. Subsequently, they will register their firearm with POM PD not later than fourteen (14) calendar days after the weapon is brought onto the POM/OMC complex.

b. Individuals residing in family quarters on POM/OMC will ensure that their private firearms will be registered not later than fourteen (14) calendar days after the weapon is brought onto POM/OMC complex.

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7. PROHIBITED FIREARMS. No firearms prohibited under California or federal law will be stored on the POM and OMC.

8. UNAUTHORIZED STORAGE.

a. Privately owned firearms and ammunition will not be secured or stored in troop billets, BEQ/BOQ, guest houses, or vehicles.

b. Personnel residing in troop billets, BEQ/BOQ, or guest housing may not use on post family quarters of others to store their firearms or ammunition.

c. Privately owned vehicles will not be used to secure private firearms, ammunition or other types of privately owned weapons.

d. Off post storage of firearms and weapons shall be in compliance with local, state and federal laws.

e. Private firearms authorized for storage in on-post family quarters shall be registered at the POM PD and shall be secured in the quarters in such a manner that firearms and ammunition are separate and out of reach of children. Trigger locks or locked containers must be used when storing firearms.

9. SURRENDER OF PRIVATELY OWNED WEAPONS

a. If, in the judgment of the Installation Commander (IC) or the IC's designee, a service member or any other person residing on POM/OMC presents an immediate danger to him/herself or to others, the IC shall order the service member or any other person to surrender any privately owned weapons in the service member's or other person's possession for storage in the unit arms room.

b. The weapon(s) used in a dangerous or illegal manner may be seized under California law from any person, military or not, and returned or destroyed in accordance with California Penal Code Section 12028.5.

c. In conjunction with the order to surrender any privately owned weapons, the IC or designee shall inform the service member of the alleged behavior causing the IC to believe that the service member presents an immediate danger to him/herself or to others.

d. Thirty (30) days from the date of surrender of the service member's privately owned weapon(s), unless adverse administrative or UCMJ action has been initiated against the service member, or unless the privately owned weapon(s) has been seized as evidence by a police

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authority, the service member shall be given the opportunity to petition the IC or designee for the return of the weapon(s). The IC or designee will base the decision to return the service member's weapon(s) on the findings of whether the circumstances or conduct that warranted the surrender of the service member's privately owned weapon have been mitigated and whether the service member no longer presents a danger to himself/herself or others.

e. If the privately owned weapon(s) is not returned to the service member after the first petition, the service member shall be given the opportunity to repetition the IC or designee for the return of his/her weapon(s) every sixty (60) days thereafter.

10. TRANSFER OF WEAPONS. All transfers of private firearms on POM/OMC shall be completed IAW both federal and State of California law. Sales of private firearms on the POM/OMC are prohibited.

11. TRANSPORTATION OF FIREARMS. The transportation or carrying of any pistol, revolver, or other firearm capable of being concealed upon the person is prohibited unless the person possesses a concealed weapon permit valid in the State of California. If the person does not possess a concealed weapons permit, the firearm must be locked in a motor vehicle's trunk or in a locked container in the vehicle other than the utility or glove compartment when it is transported in the vehicle; and, when the firearm is carried by the person to or from any motor vehicle for any lawful purpose, the firearm must be contained in a locked container IAW State of California laws.

 12 NOV, 2002
KEVIN M. RICE
COL, IN
Commanding

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